

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN MICHIGAN

RICHARD SMITH AND RONALD SMITH,

Plaintiffs,

Case No. 2:11-cv-11253-GCS -MAR

v.

HON. GEORGE CARAM STEEH

HENRY R. LEWIS and  
VANTAGE TRAVEL SERVICE, INC.

Defendants.

**ORDER DENYING PLAINTIFFS' MOTION FOR A DEFAULT JUDGMENT BUT  
GRANTING MONETARY SANCTIONS**

This matter is before the Court on Plaintiffs' motion for entry of a default judgment as a discovery sanction (Dkt. No. 29). The Court has reviewed this motion, Defendants' response (Dkt. No. 32) and Plaintiffs' reply (Dkt. No. 36); oral argument was heard on November 13, 2012. Being otherwise fully advised, and for the reasons stated on the record:

IT IS ORDERED that the motion – to the extent it seeks entry of default judgment – is DENIED. However, the Court finds that a lesser sanction is appropriate, and Defendants shall pay Plaintiffs' reasonable attorney fees and costs limited to: the motion for sanctions (Dkt. No. 29), the reply brief (Dkt. No. 36) and any time billed for oral argument. On or before November 27, 2012, Plaintiffs' counsel shall submit a bill of costs for the Court's consideration.

Defendants are advised that a continued failure to abide by the Court's orders may result in additional sanctions up to and including the entry of a default judgment.

**IT IS SO ORDERED.**

s/Mark A. Randon  
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Mark A. Randon  
United States Magistrate Judge

Dated: November 16, 2012

Certificate of Service

*I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, November 16, 2012, by electronic and/or ordinary mail.*

s/Melody R. Miles

*Case Manager to Magistrate Judge Mark A. Randon  
(313) 234-5540*